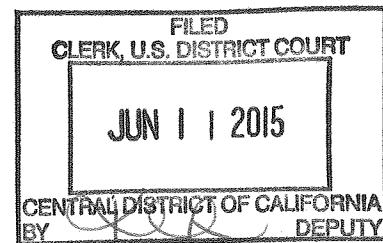


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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Marcial, Gerardo Rosales

Defendant.

Case No.: SA15-311M

ORDER OF DETENTION

I.

A. On motion of the Government in a case allegedly involving:

1. a crime of violence.
2. an offense with maximum sentence of life imprisonment or death.
3. a narcotics or controlled substance offense with maximum sentence of ten or more years.
4. any felony - where defendant convicted of two or more prior offenses described above.
5. any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive device or any other dangerous weapon, or a failure to register under 18 U.S.C. § 2250.

1 B. On motion by the Government/() on Court's own motion, in a case
2 allegedly involving:
3 () On the further allegation by the Government of:
4 1. a serious risk that the defendant will flee.
5 2. () a serious risk that the defendant will:
6 a. () obstruct or attempt to obstruct justice.
7 b. () threaten, injure or intimidate a prospective witness or
8 juror, or attempt to do so.
9 C. The Government () is/ is not entitled to a rebuttable presumption that no
10 condition or combination of conditions will reasonably assure the defendant's
11 appearance as required and the safety of any person or the community.
12

13 **II.**

14 A. The Court finds that no condition or combination of conditions will
15 reasonably assure:
16 1. the appearance of the defendant as required.
17 and/or
18 2. the safety of any person or the community.
19 B. () The Court finds that the defendant has not rebutted by sufficient evidence to
20 the contrary the presumption provided by statute.
21

22 **III.**

23 The Court has considered:

24 A. the nature and circumstances of the offense(s) charged, including whether
25 the offense is a crime of violence, a Federal crime of terrorism, or involves
26 a minor victim or a controlled substance, firearm, explosive, or destructive
27 device;
28 B. the weight of evidence against the defendant;

- 1 C. (X) the history and characteristics of the defendant; and
- 2 D. (X) the nature and seriousness of the danger to any person or the community.

4
5 IV.

6 The Court also has considered all the evidence adduced at the hearing and the
7 arguments and/or statements of counsel, and the Pretrial Services
Report/recommendation.

8
9 V.

10 The Court bases the foregoing finding(s) on the following:

11 A. (X) As to flight risk:

12 Background, conty ties unknown due to
13 failure to interview;
14 Illegal immigration status;
15 bail resources unknown;
16 association with multiple personal
17 identifiers

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19
20
21 B. (X) As to danger:

22 criminal history record, which
23 includes at least ^{one} conviction for a
24 crime of violence

1 VI.
2

3 A. () The Court finds that a serious risk exists the defendant will:
4 1. () obstruct or attempt to obstruct justice.
5 2. () attempt to/ () threaten, injure or intimidate a witness or juror.
6 B. The Court bases the foregoing finding(s) on the following:
7
8
9

10 VII.
11

12 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.
13 B. IT IS FURTHER ORDERED that the defendant be committed to the custody of the
14 Attorney General for confinement in a corrections facility separate, to the extent
15 practicable, from persons awaiting or serving sentences or being held in custody
16 pending appeal.
17 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable opportunity
18 for private consultation with counsel.
19 D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on
20 request of any attorney for the Government, the person in charge of the corrections
21 facility in which defendant is confined deliver the defendant to a United States
22 marshal for the purpose of an appearance in connection with a court proceeding.
23

24 DATED: 6/11/15

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28 ROBERT N. BLOCK
UNITED STATES MAGISTRATE JUDGE